**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 2880 OF 2006**

**WITH**

**CHAMBER SUMMONS NO. 193 OF 2007**

Jaishriben Rashiklal Bhavsar. .. Petitioner.

vs.

The State of Maharashtra

& Ors. .. Respondents.

Mr. K.D. Jha for Petitioner.

Mr. S.P. Thorat, AGP for Respondents.

Mr. Ramesh Ramamurthi for Applicant in

Chamber Summons No. 193/07.

**CORAM: J.N. PATEL &,**

**A.A. SAYED, JJ.**

**DATE: 17TH JULY, 2007.**

P.C.

. This Court is informed that there are various claimants who have filed writ petitions in this Court and claim that they are entitled to allotment of flat no. 601 by way of permanent accommodation in Avershekhar Building, Annie Besant Road, Worli, Mumbai. In all these petitions the courts have passed various

orders and in substance the authorities would be required to consider the respective claims of the parties for such allotment as it would be in a better position to ascertain their entitlement and, therefore, in writ petition No. 272 of 2007 filed by one such claimant Jonita Loyal the Bench presided over by the Hon'ble the Chief Justice has passed an order on 4th July, 2007 on the basis of submissions made by the learned counsel appearing for MHADA that the claimants can raise their respective claims before the Chief Officer of Repair and Reconstruction Board of MHADA and after hearing the claimants and necessary parties, pass appropriate orders and with this direction the petition has been disposed of.

2. It is submitted by the learned counsel appearing for MHADA that this petition can also be disposed of along with the chamber summons which has been taken out by the party who is also claiming the flat in question for being joined as a party respondent.

3. In our view, in this fact situation, it would be proper that the petitioner lodges her claim before the Chief Officer, Repair and Reconstruction Board of MHADA for entitlement to allot flat no. 601 in the said building and the Chief officer, Repair and Reconstruction Board of MHADA would hear the parties

concerned and decide as to who is entitled for allotment of the said flat.

4. The learned counsel for the petitioner submits that he will make an application to the Chief Officer within a week's time along with all documents in support of her claim. The Chief Officer will then fix a convenient date to hear the claimants/parties in the matter and take a decision within a period of four weeks.

5. We make it clear that this Court has not considered the claim of the petitioner which is being challenged by the parties on merits. The petitioner will be entitled to raise all issues and contentions before the Chief Officer who will dispose of the application by following the principles of natural justice and pass a speaking order in the matter.

6. The writ petition stands disposed of accordingly with no order as to costs.

7. The Chamber Summons No. 193 of 207 does not survive and the same is dismissed as infructous.

**(J.N. Patel, J.)**

**(A.A. Sayed, J.)**